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SUBJECT: PROMINENT HUMAN RIGHTS GROUP CRITICIZES GOV

Classified By: POLITICAL COUNSELOR ABELARDO A. ARIAS FOR REASONS 1.4 (B)
) AND (D)

Summary

1. (U) The human rights NGO "Committee of the Relatives of Victims of February 1989" (COFAVIC) criticized the GOV March 18 for not appropriately addressing alleged human rights abuses during the February 27-March 4 period. The COFAVIC report describes alleged abuses, including deaths, use of excessive force, torture/inhuman/degrading treatment, and detentions/lack of due process and has a special section devoted to attacks on journalists. COFAVIC recommends the GOV ensure the proper conduct of investigations, appropriate training of security forces, passage of comprehensive legislation that protects rights and sanctions abuses, and creation of a truth commission with a mandate to investigate events from April 2002 to the present. The GOV acknowledges some use of excessive force but continues to insist that it is not responsible for most of the alleged human rights violations. End Summary.

Human Rights Watchdog

2. (U) The human rights NGO "Committee of the Relatives of Victims of February 1989" (COFAVIC) formed in response to government violations of human rights committed during riots in February 1989. The NGO has established a reputation as a fierce critic of governmental abuse of human rights. Like other serious human rights groups, it laboriously documents cases through interviews, collection of any physical evidence, and cross-checking data with other human rights NGOs. It also assists victims in filing official complaints of alleged abuses.

3. (U) COFAVIC issued a report March 18 detailing its investigations of human rights abuses during February 27-March 4. The report confirms 14 deaths; 261 incidents of violence against individuals, including nine cases of torture; and 25 cases of physical threats to journalists, including three detained. In addition, the report claims that the holding of detainees incommunicado, even for only a few hours, qualifies as "forced disappearance." The report mentions eight cases of alleged missing protesters but acknowledges that they could not be confirmed.

Governmental Failures

4. (U) In addition to providing case figures and examples, COFAVIC forcefully condemns the lack of appropriate GOV action to prevent abuses or punish those responsible. COFAVIC accuses the Attorney General of dereliction of duty, partiality and incompetence. The report enumerates cases in which officials known for their knowledge and experience in prosecuting human rights violations have been shut out of investigations in favor of others with dubious claims to either professional competence or impartiality. The Human Rights Ombudsman is criticized for its failure to make a single statement regarding the deaths, injuries, and detentions during the political disturbances. (Note: Ombudsman German Mendarain issued a statement March 26 acknowledging some use of excessive force, but he rejected claims of "disappeared" protesters and political prisoners and denied GOV culpability for fatalities.)

5. (U) COFAVIC castigated the Judicial branch for acting with transparently political motives. According to the report, some judges with a vested interest in supporting the government have decided "political cases" rather than recusing themselves, while other judges were fired after ruling against GOV interests. COFAVIC also criticized the Scientific and Investigative Police (CICPC), part of the Executive Branch, for its overall inability to conduct

independent investigations that meet international standards.

16. (C) COFAVIC Director Liliana Ortega told Poloff March 24,

"If Venezuelan institutions are unable to meet minimum legal standards in criminal investigations, then the cases should be submitted to international organizations. Otherwise, it is impossible to have any degree of confidence in the case result." Ortega also explained that the figures in the report are low because a high percentage of victims are too afraid to report their experience even to a human rights NGO.

Conclusions and Recommendations

17. (U) Ortega asserts in a March 21 BBC interview that recent human rights abuses show a definite pattern. The same techniques of crowd control, detention and torture have been reported throughout the country, indicating centralized planning and training in those techniques. At the same time, she said, nine out of ten abuse complaints are not pursued by authorities because of a mixture of political reasons and incompetence. For these reasons, COFAVIC makes a series of recommendations regarding the proper conduct of investigations, training of security forces, need for comprehensive legislation that protects rights and sanctions abuses, and creation of a truth commission with a mandate to investigate events from April 2002 to the present.

Comment

18. (C) COFAVIC enjoys high credibility as a human rights watchdog. Its report means that the government has some explaining to do. This may be why the Human Rights Ombudsman became the first GOV official to acknowledge some wrongdoing on the part of security forces. Even though the government still denies responsibility for the majority of the abuses, Ortega and her staff are very patient, determined, and persistent. They waited 15 years to see the GOV make restitution for violations committed in February 1989 and show no signs of slackening their vigilance now.
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